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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John A. Salon, et al.  
U.S. Serial No : 09/885,478  
Filed : June 20, 2001  
For : DNA ENCODING A HUMAN MELANIN CONCENTRATING  
HORMONE RECEPTOR (MCH1) AND USES THEREOF

1185 Avenue Of The Americas  
New York, New York 10036  
September 17, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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**TRANSMITTAL OF VERIFIED STATEMENT  
(DECLARATION) CLAIMING SMALL ENTITY STATUS UNDER  
37 C.F.R. §1.9(f) AND §1.27(d)**

Assignee submits herewith a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) and §1.27(d) as **EXHIBIT A**. This Verified Statement is signed by Dr. Kathleen P. Mullinix, the authorized official of the assignee of record, Synaptic Pharmaceutical Corporation.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

John P. White  
Registration No. 28,678  
Attorney for Applicants  
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(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231.

9/17/01  
John P. White Date  
Reg. No. 28,678

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I hereby declare that I am:

X an official of the small business concern empowered to act on behalf of the concern identified below:

Address of Concern: 215 College Road  
Paramus, New Jersey 07652-1410

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled

           the specification filed herewith  
  X   application serial no. 09/885,478 filed June 20, 2001  
           patent no.                      issued                     

**Address:**

Individual	Small Business Concern	Nonprofit Organization
<p>1. Name of the individual:</p> <p>2. Address:</p> <p>3. City:</p> <p>4. State:</p> <p>5. Zip:</p> <p>6. Date of birth:</p> <p>7. Social Security Number:</p> <p>8. Date of entry into the United States:</p> <p>9. Date of departure from the United States:</p> <p>10. Date of return to the United States:</p> <p>11. Date of departure from the United States:</p> <p>12. Date of return to the United States:</p> <p>13. Date of departure from the United States:</p> <p>14. Date of return to the United States:</p> <p>15. Date of departure from the United States:</p> <p>16. Date of return to the United States:</p> <p>17. Date of departure from the United States:</p> <p>18. Date of return to the United States:</p> <p>19. Date of departure from the United States:</p> <p>20. Date of return to the United States:</p>	<p>1. Name of the small business concern:</p> <p>2. Address:</p> <p>3. City:</p> <p>4. State:</p> <p>5. Zip:</p> <p>6. Date of establishment:</p> <p>7. Date of entry into the United States:</p> <p>8. Date of departure from the United States:</p> <p>9. Date of return to the United States:</p> <p>10. Date of departure from the United States:</p> <p>11. Date of return to the United States:</p> <p>12. Date of departure from the United States:</p> <p>13. Date of return to the United States:</p> <p>14. Date of departure from the United States:</p> <p>15. Date of return to the United States:</p> <p>16. Date of departure from the United States:</p> <p>17. Date of return to the United States:</p> <p>18. Date of departure from the United States:</p> <p>19. Date of return to the United States:</p> <p>20. Date of departure from the United States:</p>	<p>1. Name of the nonprofit organization:</p> <p>2. Address:</p> <p>3. City:</p> <p>4. State:</p> <p>5. Zip:</p> <p>6. Date of establishment:</p> <p>7. Date of entry into the United States:</p> <p>8. Date of departure from the United States:</p> <p>9. Date of return to the United States:</p> <p>10. Date of departure from the United States:</p> <p>11. Date of return to the United States:</p> <p>12. Date of departure from the United States:</p> <p>13. Date of return to the United States:</p> <p>14. Date of departure from the United States:</p> <p>15. Date of return to the United States:</p> <p>16. Date of departure from the United States:</p> <p>17. Date of return to the United States:</p> <p>18. Date of departure from the United States:</p> <p>19. Date of return to the United States:</p> <p>20. Date of departure from the United States:</p>

**EXHIBIT A**  
John A. Salon, et al.  
Serial No.: 09/885,478  
Filed: June 20, 2001

37 C.F.R. §§1.9(c), 1.9(d), 1.9(e)

(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)\*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Dr. Kathleen P. Mullinix

Title In Organization: President, Chairman & CEO

Address: Synaptic Pharmaceutical Corporation

215 College Road, Paramus, New Jersey 07652-1410

Signature: Kathleen P. Mullinix

Date Of Signature: June 21, 2001

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.

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